

2009 FEB 19 A 10 31

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: February 18, 2009

ANALYST: Christopher Whyrick

I. COMMITTEE: Cannon for Congress
C00344705
Lynn Gilbert, Treasurer
190 West 800 North, Suite 100
Provo, UT 84601

II. RELEVANT STATUTE: 11 CFR § 110.1(b)(3)(i)(C)
11 CFR § 102.9(e)(3)

III. BACKGROUND:

Receipt of General Contributions when Candidate Did Not Participate in the General Election

Cannon for Congress ("the Committee") failed to refund contributions totaling \$113,996.50 from twenty (20) individuals, thirty-four (34) political action committees and one (1) communication cost group that were designated for the 2008 General election and are considered impermissible since the candidate lost the June 24, 2008 Primary election in Utah.

On July 13, 2007, the Committee filed their 2007 July Quarterly Report covering the period from April 1, 2007 through June 30, 2007 (Image 27990223829). This report disclosed one (1) contribution totaling \$1,000.00 from one (1) political action committee that was designated for the 2008 General election (Attachment 2). This General election contribution was also disclosed on the Committee's four (4) amendments to the report filed on September 13, 17 and 19, 2007, and May 8, 2008.

On October 15, 2007, the Committee filed their 2007 October Quarterly Report covering the period from July 1, 2007 through September 30, 2007 (Image 27990783457). This report disclosed one (1) contribution totaling \$2,500.00 from one (1) political action committee that was designated for the 2008 General election (Attachment 2). This General election contribution was also disclosed on the Committee's amended report filed May 8, 2008.

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On April 15, 2008, the Committee filed their 2008 April Quarterly Report covering the period from January 1, 2008 through March 31, 2008 (Image 28931154657). This report disclosed contributions totaling \$37,200.00 from one (1) individual, fourteen (14) political action committees and one (1) communication cost group that were designated for the 2008 General election.

On June 6, 2008, the Committee filed an Amended 2008 April Quarterly Report disclosing contributions totaling \$43,700.00 from one (1) individual, sixteen (16) political action committees and one (1) communication cost group that were designated for the 2008 General election (Attachment 2). These General election contributions were also disclosed on the Committee's amended report filed July 14, 2008.

On May 1, 2008, the Committee filed their 2008 12-Day Pre-Convention Election Report covering the period from April 1, 2008 through April 20, 2008 (Image 28990953816). This report disclosed one (1) contribution totaling \$1,000.00 from one (1) political action committee that was designated for the 2008 General election (Attachment 2). This General election contribution was also disclosed on the Committee's amended report filed July 14, 2008.

On June 12, 2008, the Committee filed their 2008 12-Day Pre-Primary Election Report covering the period from April 21, 2008 through June 4, 2008 (Image 28931882393). This report disclosed contributions totaling \$35,600.00 from three (3) individuals and ten (10) political action committees that were designated for the 2008 General election.

On July 15, 2008, the Committee filed an Amended 2008 12-Day Pre-Primary Election Report disclosing \$30,600.00 from three (3) individuals and nine (9) political action committees that were designated to the 2008 General election (Attachment 2). These General election contributions were also disclosed on the Committee's additional amended report filed September 26, 2008.

Also on July 15, 2008, the Committee filed their 2008 July Quarterly Report covering the period from June 5, 2008 through June 30, 2008 (Image 28991460412). This report disclosed contributions totaling \$35,196.50 from sixteen (16) individuals and eleven (11) political action committees that were designated for the 2008 General election (Attachment 2).

On October 16, 2008, a Request for Additional Information ("RFAI") was sent to the Committee referencing their 2008 July Quarterly Report. Among other matters, the RFAI questioned the Committee's receipt of these impermissible General election contributions and requested that the Committee take corrective action (Image 28039871656).

On November 14, 2008, the Committee filed an Amended 2008 July Quarterly Report (Image 2893125863). The report failed to address the impermissible contributions received for the General election.

On January 15, 2009, the Reports Analysis Division (RAD) Analyst (the Analyst) placed a call to Kimberley Williams, assistant to the treasurer. The Analyst inquired about the Committee's inadequate response to the RFAI regarding the receipt of General election contributions, in light of the candidate having not participated in the General election. The

Analyst referenced the fact that the Committee has failed to take corrective action toward refunding the 2008 General election contributions received during the election cycle. Ms. Williams stated that she thought she had responded adequately to the RFAI, and that she would take another look at the outstanding issues. The Analyst explained that the contributions should be refunded as soon as possible to avoid a referral for further action, and requested a Committee response by January 28, 2009 (Attachment 3).

On January 27, 2009, the Analyst contacted Ms. Williams concerning the status of the General election contributions. Ms. Williams stated that she had forwarded the General election contributions issue on to a colleague, and was waiting to hear from him. The Analyst reminded Ms. Williams that General election contributions must be refunded by January 28, 2009. Ms. Williams stated that she would look into the status of the refunds and call the Analyst back. Later that day, Ms. Williams called to inform the Analyst that the Committee was not cooperating with the treasurer, and that the treasurer had problems contacting the Committee. The Analyst stated that if the Committee could prepare a statement by January 28, 2009 detailing the corrective action they are taking, it would be taken into consideration. Ms. Williams stated that they would do so and referred the Analyst to Mr. Joe Hunter, campaign manager. The Analyst then left a message for Mr. Hunter concerning the outstanding referable issues (Attachment 3).

On January 28, 2009, the Analyst called to inform Ms. Williams that RAD would be referring the Committee for further action by the Commission. Ms. Williams stated that she understood and apologized for not having taken action sooner. She also stated that the Committee would cooperate fully with the referral process (Attachment 3).

To date, no further communications have been received from the Committee regarding this matter.

CANNON, CHRISTOPHER B HON.

ID #H6UT03042

CANNON FOR CONGRESS

Gilbert, Lynn

190 WEST 800 NORTH SUITE 100

PROVO

HOUSE

UT 84601

ID #C00344705

FILING FREQUENCY: QUARTERLY

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FORM TYPE	NPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1		A		2/20/2007	4	27930154380						
HS		4		5/02/2008	2	28931489478						
HS		4		5/06/2008	2	28931505362						
HS		4		5/09/2008	3	28930534184						
HS		4		6/10/2008	3	28934255441						
HS		4		6/16/2008	4	28931889989						
HS		4		6/18/2008	2	28931285104						
HS		4		6/19/2008	2	28931283524						
HS		4		6/19/2008	2	28931929535						
HS		4		6/23/2008	3	28931347281						
HS		4		11/14/2008	2	28931289989						
Q2	Q2	2		9/01/2007	3	27039920073	4/04/2007 6/30/2007					
YE	YE	2		3/20/2008	4	28039861325	10/01/2007 12/31/2007					
Q1	Q1	2		5/13/2008	7	28039724799	1/01/2008 3/31/2008					
12C	12C	7		4/29/2008	1	28039713133	4/01/2008 4/29/2008					
12P	12P	2		7/01/2008	4	28039713133	4/01/2008 6/30/2008					
12P	12P	2		8/28/2008	5	28039822810	4/21/2008 6/04/2008					
Q2	Q2	2		10/16/2008	7	28039871656	6/05/2008 6/30/2008					
Q1	Q1	N		4/15/2007	61	27930571004	1/01/2007 3/31/2007	13320	115441	46153	82809	238423
Q1	Q1	A		9/17/2007	61	27990815425	1/01/2007 3/31/2007	13320	115441	46153	82809	238423
Q1	Q1	A		5/08/2008	61	28931509398	1/01/2007 3/31/2007	13320	115441	46153	82809	238423
Q2	Q2	N		7/13/2007	74	27990223829	4/01/2007 6/30/2007	82809	92535	89313	85830	221881
Q2	Q2	A		9/13/2007	74	27931150984	4/01/2007 6/30/2007	82809	92535	89313	85830	221881
Q2	Q2	A		9/17/2007	74	27990815440	4/01/2007 6/30/2007	82809	92535	89313	85830	221881
Q2	Q2	A		9/19/2007	74	27990888873	4/01/2007 6/30/2007	82809	92535	89313	85830	221881
Q2	Q2	A		5/08/2008	74	28931509427	4/01/2007 6/30/2007	82809	92535	89313	85830	221881

FEDERAL ELECTION COMMISSION

DATE 2/18/2008
OGC INDEX - (0) (2007-2008)

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ANNON, CHRISTOPHER B MON.

ID #H8UT03042

ANNON FOR CONGRESS

Hibert, Lynn

190 WEST 800 NORTH SUITE 100

PROVO

HOUSE

UT 84601

ID #C00344705

FILING FREQUENCY: QUARTERLY

11044283355

ORN TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	Q3	N		10/15/2007	58	27990783457	7/01/2007 9/30/2007	87144	54497	101615	40025	191881
3	Q3	A		5/08/2008	58	28990983831	7/01/2007 9/30/2007	87144	54497	101683	39957	191881
3	YE	N		1/31/2008	58	28990300000	10/01/2007 12/31/2007	39957	63850	51704	58103	180881
3	YE	A		5/08/2008	58	28990983844	10/01/2007 12/31/2007	39957	63850	51704	52103	180881
3	Q1	N		4/15/2008	98	28931154857	1/01/2008 3/31/2008	52103	180835	105358	127580	199284
3	Q1	A		6/06/2008	98	28991250744	1/01/2008 3/31/2008	52103	180835	105358	127580	199284
3	Q1	A		7/14/2008	98	28932158740	1/01/2008 3/31/2008	52103	180835	104298	128640	199284
12C	N	C		5/01/2008	41	28990980816	4/01/2008 4/28/2008	127880	15880	108878	43203	186428
12B	A	C		7/14/2008	42	28992110019	4/01/2008 4/28/2008	127880	15880	108877	43202	186428
12P	N	P		6/12/2008	79	28921090338	4/21/2008 6/04/2008	42882	104555	139052	8184	270462
12P	A	P		7/15/2008	79	28932178278	4/21/2008 6/04/2008	42882	104555	139052	8184	270462
12P	A	P		9/28/2008	79	28992289330	4/21/2008 6/04/2008	42882	104555	139052	8184	270462
Q2	N			7/15/2008	87	28981480412	6/05/2008 6/30/2008	5184	197051	138436	66780	328227
Q2	A			11/14/2008	87	2893128863	6/05/2008 6/30/2008	5184	197051	138436	66780	328227
Q3	N			10/15/2008	38	28992544319	7/01/2008 9/30/2008	66780	6745	70089	3455	332484
3	YE	N		1/31/2008	18	28990300000	10/01/2008 12/31/2008	8185	0	883	3872	332484
TOTAL								861489	862184			

Cannon for Congress (C00344705)
Impermissible General Election Contributions

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Adams	Norman	6/23/2008	\$250.00	G2008
Faulds	Gloria	6/21/2008	\$199.00	G2008
Gibby	Trudy	6/13/2008	\$299.00	G2008
Gibby	Wendy	6/13/2008	\$298.50	G2008
Groff	Willinda-Marie	6/24/2008	\$300.00	G2008
Holmes	Doug	6/2/2008	\$1,000.00	G2008
Levecke	Carl	6/24/2008	\$300.00	G2008
Levecke	Margaret	6/24/2008	\$400.00	G2008
Lund	Steven	6/2/2008	\$2,300.00	G2008
Macey	Kenneth	6/16/2008	\$1,000.00	G2008
Marek	Stan	6/24/2008	\$250.00	G2008
Medin	Milo	6/19/2008	\$2,300.00	G2008
Mulga	John	6/19/2008	\$2,090.00	G2008
Orum	Peter	6/19/2008	\$2,300.00	G2008
Roney	Blake M	6/2/2008	\$2,300.00	G2008
Sandvik	Aaron	6/23/2008	\$1,000.00	G2008
Simmons	William M.	3/17/2008	\$700.00	G2008
Smith	Derek	6/22/2008	\$2,300.00	G2008
Stewart	Cody	6/17/2008	\$300.00	G2008
Walsh	J. Daniel	6/9/2008	\$1,000.00	G2008
AFLAC Incorporated Political Action Committee AFLACPAC		6/23/2008	\$3,000.00	G2008
AGC PAC		5/9/2008	\$5,000.00	G2008
American Meat Institute Political Action Committee		5/29/2008	\$3,000.00	G2008
American Public Power Assn Public Ownership of Electric Resources PAC		5/29/2008	\$500.00	G2008
Associated Builders and Contractors		3/31/2008	\$1,000.00	G2008
AT&T Inc. Federal Political Action Committee		3/17/2008	\$5,000.00	G2008
BNSF Rail PAC		6/21/2008	\$1,000.00	G2008
Comcast Corp. Political Action Committee		4/16/2008	\$1,000.00	G2008
Deloitte & Touche Federal Political Action Committee		5/29/2008	\$3,000.00	G2008
DIRECTV Group Inc. Fund - Federal, The		1/21/2008	\$2,500.00	G2008
SUBTOTAL			\$51,898.50	

Cannon for Congress (C00344705)
Impermissible General Election Contributions (continued)

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CONTRIBUTOR NAME	DATE	AMOUNT	ELECTION
EBAY Inc-Committee For Responsible Internet Commerce	5/9/2008	\$500.00	G2008
EBAY Inc-Committee For Responsible Internet Commerce	6/21/2008	\$1,000.00	G2008
Enterprise Rent-A-Car Company Political Action Committee	3/4/2008	\$3,500.00	G2008
Ernst & Young Political Action Committee	6/9/2008	\$2,000.00	G2008
Food Marketing Institute Political Action Committee FOODPAC	6/16/2008	\$1,000.00	G2008
Franchising PAC	6/9/2008	\$1,000.00	G2008
Hartford Financial Services Group Inc Advocates Fund	6/23/2008	\$1,000.00	G2008
INTEGRAPAC Of Integra Telecom Holdings Inc.	5/29/2008	\$5,000.00	G2008
Intel Corporation Political Action Committee	6/23/2008	\$2,000.00	G2008
Interactive Corp Political Action Committee AKA IACPAC	5/1/2008	\$2,000.00	G2008
L-3 Communications Corporation Political Action Committee	3/17/2008	\$1,000.00	G2008
NACDS PAC	3/17/2008	\$1,000.00	G2008
National Assoc. Convenience Stores PAC.	8/16/2007	\$3,500.00	G2008
National Assoc. Convenience Stores PAC	3/17/2008	\$2,500.00	G2008
National Cable & Telecommunications PAC	3/31/2008	\$5,000.00	G2008
National Restaurant Association Political Action Committee	3/4/2008	\$1,000.00	G2008
National Roofing Contractors Assoc. PAC	3/17/2008	\$1,000.00	G2008
ORRINPAC	3/5/2008	\$5,000.00	G2008
PMA Group PAC	3/4/2008	\$1,000.00	G2008
PricewaterhouseCoopers Political Action Committee I	5/22/2008	\$500.00	G2008
PricewaterhouseCoopers Political Action Committee I	5/29/2008	\$1,500.00	G2008
Retail Industry Leaders Association Political Action Committee	6/4/2007	\$1,000.00	G2008
SNOWPAC	3/17/2008	\$5,000.00	G2008
Society Of Independent Gasoline Marketers of America PAC	6/16/2008	\$2,500.00	G2008
The ASCAP Legislative Funds for the Arts	3/31/2008	\$1,000.00	G2008
The GlaxoSmithKline PAC	3/17/2008	\$1,000.00	G2008
The GlaxoSmithKline PAC	6/18/2008	\$1,500.00	G2008
Verizon Wireless/Verizon Comm. Inc PAC	3/31/2008	\$5,000.00	G2008
Wal-Mart Stores Inc. PAC For Responsible Government	3/17/2008	\$2,500.00	G2008
Wal-Mart Stores Inc. PAC for Responsible Government	6/18/2008	\$2,500.00	G2008
SUBTOTAL		\$62,000.00	

Total Impermissible General Election Contributions Not Refunded: \$113,996.50.